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VIA E-FILING

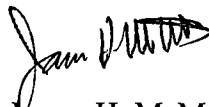
The Honorable Mary Pat Thyng
United States District Court
Federal Building
844 King Street
Wilmington, DE 19801

RE: *Jane Doe, et al. v. Cape Henlopen School District, et al.*
C.A. No. 05-424 SLR

Dear Judge Thyng:

Pursuant to the scheduling order, the parties are required to inform the Court whether the case is in a posture for mediation. On behalf of the Defendants, I submit to you it is not. The parties disagreed concerning an independent medical evaluation. The Court has only recently issued an order resolving the dispute, and the parties are in the process of scheduling the exam. Thus, at this time, the parties agree that mediation is not appropriate. However, both parties are in agreement that mediation sometime in the foreseeable future would be appropriate. It is suggested that by November this matter would be ready for mediation. If Your Honor has any time on her calendar in November, we would appreciate an opportunity to get on your calendar.

Respectfully,



James H. McMackin, III

JHM/jam

cc: Gary Aber, Esquire (via e-filing)
Mr. Scott Rose (Claim No. 1190231) (via U.S. Mail)
Clerk of the Court (via e-filing)